

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERIC HAYDEN	:	CIVIL ACTION
	:	
v.	:	
	:	
MARILYN S. BROOKS, et al.	:	NO. 07-1886
	:	

ORDER

AND NOW, this 29th day of August 2007, upon consideration of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, and the Response thereto of the District Attorney of Philadelphia, and after review of the Report and Recommendation of United States Magistrate Judge L. Filipe Restrepo, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED as time-barred;
3. A certificate of appealability shall not issue since for the reasons set forth in the Report and Recommendation, petitioner has failed to show that a reasonable jurist could conclude that the Court is incorrect in dismissing the petition as time barred.

BY THE COURT

/S/LEGROME D. DAVIS

Legrome D. Davis, J